

HOUSE BILL No. 1016

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-1-2.

Synopsis: Threats against schools. Provides that it is criminal mischief, a Class B misdemeanor, to express an intent to damage or deface school property or to express an intent to injure another person on school property.

Effective: July 1, 1999.

Ayres, Villalpando, Pond

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1016

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A person who:

3 (1) recklessly, knowingly, or intentionally damages or defaces
4 property of another person without the other person's consent; ~~or~~

5 (2) knowingly or intentionally causes another to suffer pecuniary
6 loss by deception or by an expression of intention to injure
7 another person or to damage the property or to impair the rights
8 of another person;

9 **(3) knowingly or intentionally expresses an intent by words or**
10 **action to damage or deface school property, property that is**
11 **being used by a school for a school function or purpose, or a**
12 **school bus; or**

13 **(4) knowingly or intentionally expresses an intent by words or**
14 **action to injure another person on school property, property**
15 **that is being used by a school for a school function or purpose,**
16 **or a school bus;**

17 commits criminal mischief, a Class B misdemeanor. However, the

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offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged was a car or equipment of a railroad company being operated on a railroad right-of-way; or

(iv) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) the damage causes substantial interruption or impairment of work conducted in a scientific research facility; or

(v) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a cemetery or a facility used for memorializing the dead;

(3) a school or community center;

(4) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1), (2), or (3); or

(5) personal property contained in a structure or located at a facility identified in subdivision (1), (2), or (3);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1)



1 year.
2 (d) The court may rescind an order for suspension or invalidation
3 under subsection (c) and allow the person to receive a license or permit
4 before the period of suspension or invalidation ends if the court
5 determines that:
6 (1) the person has removed or painted over the graffiti or has
7 made other suitable restitution; and
8 (2) the person who owns the property damaged or defaced by the
9 criminal mischief or institutional criminal mischief is satisfied
10 with the removal, painting, or other restitution performed by the
11 person.

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